

2007 AUG -3 PM 12: 57

Practitioner's Docket No. 313-002.003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Francis J. Maguire, Jr.
Application No.: 10 /038,313 Group No.: 2629
Filed: October 22, 2001 Examiner: Mahmoud Fatahiyar
For: PASSIVE VIRTUAL REALITY

☐ Patent*: Issued:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where request is with respect to a maintenance fee payment also insert application number and filing date and add Mail Stop 16 to address.

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450,
Alexandria, VA 22313-1450

**REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

NOTE (HAND CARRIED): "Refund requests, deposit account replenishments, and maintenance fee payments may be hand carried to the Office of Finance receptionist in Suite 300, 2051 Jamieson Avenue (Carty's Place building), Alexandria, VA 22314. Hand carried correspondence will only be accepted, and not processed. Although the receptionist will not process any correspondence, if the correspondence is delivered with an itemized postcard, the receptionist will provide a delivery receipt by date stamping the postcard. Depending on whether the correspondence is a refund request, deposit account related (e.g., a deposit account replenishment), or maintenance fee related (e.g., a maintenance fee payment), the correspondence should be placed in an envelope with REFUND, DEPOSIT ACCOUNT, or MAINTENANCE FEE written in dark ink across the envelope." See "Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence," September

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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☐ facsimile transmitted to the Patent and Trademark Office, (571) 273-6500.

Marilyn O'Connell
Signature

Date: July 31, 2007

Marilyn O'Connell

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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19, 2005; 1299 OG 98, October 18, 2005, Exceptions for Certain Hand Carried Correspondence, item 12.

NOTE (FACSIMILE): Refund requests facsimile number 571-273-6500. See "Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence," September 19, 2005; 1299 OG 98, October 18, 2005, Exceptions for Certain Facsimile Transmitted Correspondence, item 13.

NOTE: 37 C.F.R. § 1.26 Refunds.

(a) The Commissioner may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Commissioner may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.

(b) Any request for refund must be filed within two years from the date the fee was paid, except as otherwise provided in this paragraph or in § 1.28(a). If the Office charges a deposit account by an amount other than an amount specifically indicated in an authorization (§ 1.25(b)), any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating such charge, and include a copy of that deposit account statement. The time periods set forth in this paragraph are not extendable.

I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account
23-0442, shown on the statement dated 04/26/07, for the
above-identified

- ☒ application.
- ☐ patent.

(check the following, if desired, and supply copy of statement)

- ☒ A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF REFUND REQUESTED

- | | |
|--|----------|
| <input type="checkbox"/> Basic fee | _____ |
| <input type="checkbox"/> Examination fee | \$ _____ |
| <input type="checkbox"/> Search fee | \$ _____ |
| <input type="checkbox"/> Additional fee for specification and drawings | \$ _____ |
| <input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. § 1.16(e)) | _____ |

and/or

- | | |
|---|----------|
| <input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e)) | _____ |
| <input checked="" type="checkbox"/> Extension of term | _____ |
| <input type="checkbox"/> first month | _____ |
| <input type="checkbox"/> second month | _____ |
| <input checked="" type="checkbox"/> third month | \$510.00 |
| <input type="checkbox"/> fourth month | _____ |
| <input type="checkbox"/> fifth month | _____ |
| <input type="checkbox"/> Excess claims | _____ |
| <input type="checkbox"/> Issue fee | _____ |
| <input type="checkbox"/> Petition fee | _____ |
| <input type="checkbox"/> Patent maintenance fee | _____ |
| <input type="checkbox"/> first maintenance fee | _____ |
| <input type="checkbox"/> second maintenance fee | _____ |
| <input type="checkbox"/> third maintenance fee | _____ |
| <input type="checkbox"/> Patent maintenance fee surcharge | _____ |
| <input type="checkbox"/> Other _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

TOTAL REFUND REQUESTED

\$510.00

(Request for Refund (Improper Charge of Credit Card Account) [19-4]—page 3 of 4)

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The only extension of time fee that was ever due in this case was for a two-month extension due upon filing an RCE mailed under Rule 8 on May 22, 2006 with our check for \$720.00 including the \$225.00 extension fee.

IV. MANNER OF REFUND

Please make the refund by

- ☒ Crediting Deposit Account No. 23-0442
- ☐ Crediting applicant's credit card as shown on the attached credit card authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☐ Sending refund check to applicant
- ☐ By electronic funds transfer using the banking information on the payment instrument.

Reg. No.: 31,391

Tel. No.: (203) 261-1234

Customer No.: 004955



SIGNATURE OF PRACTITIONER

Francis J. Maguire, Jr.

Ware, Fressola, Van Der Sluys & Adolphson LLP
(type or print name of practitioner)

755 Main Street, P.O. Box 224
P.O. Address

Monroe, Connecticut 06468

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Deposit Account Statement

Requested Statement Month: April 2007
 Deposit Account Number: 230442
 Name: WARE FRESSOLA VAN DER SLUYS & ADOLPHSON
 Attention:
 Street Address 1: BRADFORD GREEN BLDG FIVE
 Street Address 2: 755 MAIN STREET P O BOX 224
 City: MONROE
 State: CT
 Zip: 06468
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/02	156	5247488		8021	\$40.00	\$14,507.61
04/02	157	60872617		8021	\$40.00	\$14,467.61
04/03	291	78487515	2-648-3	7004	\$150.00	\$14,317.61
04/03	3282	11576522	870-003-227	1615	\$150.00	\$14,167.61
04/03	3279	11576522	870-003-227	1631	\$300.00	\$13,867.61
04/03	3281	11576522	870-003-227	1633	\$200.00	\$13,667.61
04/03	3280	11576522	870-003-227	1642	\$400.00	\$13,267.61
04/03	1467	78261063	611-242 MYSTERIOUS	7004	\$300.00	\$12,967.61
04/03	1485	78261087	611-244 SULTRY	7004	\$300.00	\$12,667.61
04/04	43	11402285	944-4.71-1/944-4.74-1	8007	\$20.00	\$12,647.61
04/04	44	11407869	944-4.71-1/944-4.74-1	8007	\$20.00	\$12,627.61
04/04	25	11576522		8021	\$40.00	\$12,587.61
04/04	74	11690890		8021	\$40.00	\$12,547.61
04/04	56	11418831	915-001.89	8007	\$20.00	\$12,527.61
04/04	3	1430258		6203	\$100.00	\$12,427.61
04/04	4	1430258		6205	\$100.00	\$12,327.61
04/04	5	1430258		6206	\$100.00	\$12,227.61
04/05	2961	11576688	870-003-228	1615	\$150.00	\$12,077.61
04/05	2958	11576688	870-003-228	1631	\$300.00	\$11,777.61
04/05	2960	11576688	870-003-228	1633	\$200.00	\$11,577.61
04/05	2959	11576688	870-003-228	1642	\$400.00	\$11,177.61
04/05	2	60921471	944-017.035 (NC56405US)	1005	\$70.00	\$11,107.61
04/05	4	60921471	944-017.035 (NC56405US)	1052	\$50.00	\$11,057.61
04/05	32	10508933	915-005.123	8021	\$40.00	\$11,017.61
04/05	294	0165440414	944-003.270-2	8014	\$25.00	\$10,992.61
04/06	26	11454187	944-008.040-1	8007	\$20.00	\$10,972.61
04/06	49	0153380061	944-003.261-2-6	8014	\$25.00	\$10,947.61
04/09	1828	11576881	870-003-229	1631	\$300.00	\$10,647.61

04/09 1829 11576881	870-003-229	1642	\$400.00	\$10,247.61
04/09 1830 11576881	870-003-229	1633	\$200.00	\$10,047.61
04/09 2296 11576885	870-003-230	1631	\$300.00	\$9,747.61
04/09 2297 11576885	870-003-230	1642	\$400.00	\$9,347.61
04/09 2298 11576885	870-003-230	1633	\$200.00	\$9,147.61
04/09 106 11411238	944-003.348	8007	\$20.00	\$9,127.61
04/09 18 10589107		9204	-\$100.00	\$9,227.61
04/10 86 1434752		6205	\$100.00	\$9,127.61
04/11 42 11478839	944-10.29-1	8007	\$20.00	\$9,107.61
04/11 1523 78733136	871-3-238-MMO ZIUNITE	7004	\$300.00	\$8,807.61
04/12 1165 11576688	870-003-228	1617	\$130.00	\$8,677.61
04/12 469 11576881		8021	\$40.00	\$8,637.61
04/12 518 11625443		8021	\$40.00	\$8,597.61
04/12 32 60559673	944-003.229	8021	\$40.00	\$8,557.61
04/12 33 11607822	915-007.232	8021	\$40.00	\$8,517.61
04/12 553 11576885		8021	\$40.00	\$8,477.61
04/13 8 E-REPLENISHMENT		9203	-\$10,000.00	\$18,477.61
04/13 146 11576688		8021	\$40.00	\$18,437.61
04/16 11 11698263		8007	\$60.00	\$18,377.61
04/16 32 11436044	944-011.003	8007	\$60.00	\$18,317.61
04/16 409 11713539		8021	\$40.00	\$18,277.61
04/17 7 11652403	944-008.029-1	8021	\$40.00	\$18,237.61
04/17 83 60812381	944-008.039-2	8007	\$20.00	\$18,217.61
04/17 93 11479972	915-001.091	8007	\$20.00	\$18,197.61
04/17 48 10489270	540-018-005	2801	\$395.00	\$17,802.61
04/17 7 10587820		9204	-\$100.00	\$17,902.61
04/17 141 11662965	915-007.239	8021	\$40.00	\$17,862.61
04/17 1 10291192	915-006.003-001	1201	\$200.00	\$17,662.61
04/17 2 10291192	915-006.003-001	1202	\$50.00	\$17,612.61
04/17 359 11447421	944-001.179	8007	\$20.00	\$17,592.61
04/17 113 11698263	911-017.008-1 (06RLE001)	8021	\$40.00	\$17,552.61
04/18 76 78294776	26-095-MMO	7003	\$100.00	\$17,452.61
04/18 3368 11736621	870-003-231	1011	\$300.00	\$17,152.61
04/18 3369 11736621	870-003-231	1111	\$500.00	\$16,652.61
04/18 3371 11736621	870-003-231	1202	\$250.00	\$16,402.61
04/18 3370 11736621	870-003-231	1311	\$200.00	\$16,202.61
04/19 21 11700732		8021	\$40.00	\$16,162.61
04/19 1619 77160345	404-265.3	7001	\$650.00	\$15,512.61
04/19 88 11736621		8021	\$40.00	\$15,472.61
04/19 1801 77160429	759-045.3-1	7001	\$325.00	\$15,147.61
04/19 1809 77160433	759-045.3	7001	\$325.00	\$14,822.61
04/19 1815 77160438	759-045.6-2	7001	\$325.00	\$14,497.61
04/19 1831 77160443	759-045.6	7001	\$325.00	\$14,172.61
04/19 1838 77160448	759-045.3-2	7001	\$325.00	\$13,847.61
04/23 8 60845602	944-017-008	8021	\$40.00	\$13,807.61
04/23 9 60845562	944-017-009	8021	\$40.00	\$13,767.61
04/23 19 60855335	944-017-019	8021	\$40.00	\$13,727.61
04/23 20 60856497	944-017-021	8021	\$40.00	\$13,687.61
04/23 23 5937580		8021	\$40.00	\$13,647.61
04/23 24 6160479		8021	\$40.00	\$13,607.61

04/23 25	6255791		8021	\$40.00	\$13,567.61
04/23 26	6329774		8021	\$40.00	\$13,527.61
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04/25 17	6167469	944-009-003	8021	\$40.00	\$13,937.61
04/25 18	6593963	944-009.004	8021	\$40.00	\$13,897.61
04/25 20	6642956	944-009-005	8021	\$40.00	\$13,857.61
04/25 22	11505712	944-009.006	8021	\$40.00	\$13,817.61
04/25 25	11505539	944-009.007	8021	\$40.00	\$13,777.61
04/26 1	10038313	313-002-3	2253	\$510.00	\$13,267.61
04/27 254	11474047	944-1.183-1	8007	\$20.00	\$13,247.61
04/30 2	10746946	944-004.041	1806	\$180.00	\$13,067.61
04/30 99	11437272	915-018.005	8007	\$40.00	\$13,027.61

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$14,547.61	\$12,250.00	\$10,730.00	\$13,027.61

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